IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.19074 of 2005

Dated: March31, 2006

Between:

Hamali Union, Reg. No.20,

H.No.8-1-43/A, Hyderabad Road,

Siddipet, Medak District, represented

by the Secretary Sri Chintala Balaiah.

… Petitioner

And

The Additional Director, Fisheries

Department, Siddipet Division,

Siddipet, Medak District, and another.

… Respondents

Order:

This Writ Petition has been filed seeking Writ of Mandamus to declare the action of the first respondent in contemplating to dispossess the petitioner from 70 Sq. yards of open site situated in the premises bearing H.No.8-1-43/A, in Sy.No.1565, Siddipet, Medak District, as illegal and arbitrary.

2. The Secretary of the petitioner-union claims to have purchased an extent of 11/2 guntas from one Akula Rangaiah on behalf of the union and it is his case that after obtaining necessary permission from the authorities, a building was constructed in the said site, leaving 70 Sq. yards vacant place behind the office building, for parking the vehicles. It is stated that the first respondent proposed to set up a fish market in the said vacant place and markings had also been put for setting up a gate. It is the grievance of the petitioner that respondents are taking steps to dispossess him from the said land.

3. Respondents have filed counter affidavit stating that the respondents are no way concerned with Sy.No.1565. It is stated that the second respondent has allotted an extent of 238 Sq. yards in Sy.No.1551, a classified land, to the Fisheries Department. Thereon, the said land had been taken over by the Assistant Director of Fisheries, Medak District.

4. It is very clear from the counter affidavit filed by the respondents that there arose a factual dispute with regard to the aforesaid land and except that, there is no other question that arises for consideration to be examined in this petition filed under Article 226 of the Constitution of India. Moreover, respondents have as well stated that there is no interference with the land of the petitioner in Sy.No.1565. If petitioner is aggrieved by any action of the respondents in interfering with his land, it is always open for him to question the same before the competent Civil Court, but there is no ground to grant him relief as prayed for in this Writ Petition.

5. The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY.

March 31, 2006

MRR